

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 4/20/18

Board/Commission:		BOARD OF ETHICS		Meeting Date	March 16, 2018	
Location	Mo‘ikeha Building, Liquor Conference Room 3			Start of Meeting: 1:00 p.m.		End of Meeting: 1:44 p.m.
Present	Chair Michael Curtis; Vice Chair Maureen Tabura; Secretary Mia Shiraishi; Members: Susan Burriss (<i>entered at 1:03 p.m.</i>), Mary Tudela (<i>entered at 1:05 p.m.</i>), Dean Toyofuku, and Ryan de la Pena Staff: Deputy County Attorney Mark Bradbury; Boards & Commissions Office Staff: Administrative Specialist Lani Agoot and Administrator Nicholas R. Courson					
Excused						
Absent						
SUBJECT	DISCUSSION				ACTION	
Call To Order					Chair Curtis called the meeting to order at 1:00 p.m. with 5 members present.	
Approval of Minutes	<u>Regular Open Session Minutes of February 16, 2018</u>				Ms. Shiraishi moved to approve the Open Session minutes of February 16, 2018, as circulated. Mr. Toyofuku seconded the motion. Motion carried 5:0.	
Business	There was no business.					
Communication	There were no communications.					
Request for An Advisory Opinion	<u>RAO 18-001 Request for An Advisory Opinion dated March 6, 2018, from Clayton Tremaine regarding a possible conflict of interest.</u> Chair Curtis stated that he wanted to know what Mr. Tremaine’s role was at Garden Isle Disposal before making a determination. Ms. Shiraishi said her concern was with regard to the tipping fees at the Kekaha Landfill for commercial vehicles. She questioned whether or not Mr. Tremaine would be in a position to waive tipping fees for a Garden Isle Disposal truck. <i>Ms. Burriss entered the meeting at 1:03 p.m.</i>				Ms. Tabura moved that the Board find there is no conflict of interest. Mr. de la Pena seconded the motion.	

SUBJECT	DISCUSSION	ACTION
	<p><i>Ms. Tudela entered the meeting at 1:05 p.m.</i></p> <p>The Board discussed the fact that it was difficult to render a decision without more information and without Mr. Tremaine present to answer their questions. Ms. Tudela stated that she could not support the motion on the floor because Mr. Tremaine was not present and the Board had questions about authority and decision-making.</p> <p>Ms. Shiraishi cited Section 3-1.7(b) of the Kaua‘i County Code, “<i>No employee shall acquire a financial interest in any business or other undertaking which he has reason to believe may be directly involved in official action to be taken by him.</i>” She said an “<i>official action</i>” was his work at the landfill, and he would be acquiring a financial interest if he took the job at Garden Isle Disposal. Ms. Shiraishi stated that there was reason to believe that Mr. Tremaine, in his official action at the landfill, would have some direct involvement with the Garden Isle Disposal trucks at the landfill.</p> <p>With no further discussion, Chair Curtis called for the vote.</p> <p>Administrator Nicholas Courson cited Rule 5(b) of the Board of Ethics Rules and Regulations, “<i>All requests for advisory opinions to the Board shall be in writing and shall contain, (1) the name of the person requesting the opinion, (2) the County agency in which he serves or works, (3) his position therein, (4) the nature and duties of his service or employment, (5) the date of the request, (6) contact information, (7) a statement of the facts and circumstances upon which the Board is to make its determination, and (8) the signature of the person requesting the opinion.</i>” He said if the Board was unable to make a determination at this time, the Office of Boards</p>	<p>Motion failed 0:7.</p>

SUBJECT	DISCUSSION	ACTION
	and Commissions could send Mr. Tremaine a letter that would include the language of Rule 5(b), and advise him that the Board needed more information. Chair Curtis stated that the motion was denied; however, Mr. Courson was welcome to advise Mr. Tremaine. Mr. Courson clarified that although the motion was denied, there was no action taken on the request. Ms. Tudela reiterated her position that she needed more information from Mr. Tremaine in order to make a decision. Chair Curtis stated that it was not the Board of Ethics' role to request more information from Mr. Tremaine; however, the Administrator was welcome to advise the requestor.	Ms. Tudela moved that Administrator Nicholas Courson request additional information from Mr. Tremaine based on Rule 5(b). Ms. Burriss seconded the motion. Motion carried 7:0.
Executive Session	<p><u>ES-001 Anonymous communication dated February 16, 2018, alleging that an officer or employee of the County of Kaua'i engaged in unethical or corrupt behavior</u></p> <p>Deputy County Attorney Mark Bradbury read H.R.S. §92-4 and 92-5(a) (2) and (4) into the record.</p>	<p>Mr. de la Pena moved to go into Executive Session at 1:11 p.m. Ms. Tudela seconded the motion.</p> <p>Motion carried 7:0.</p>
Return to Open Session		<p>The Board resumed in Open Session at 1:36 p.m.</p> <p>Ms. Tudela moved to ratify the action taken in Executive Session for ES-001. Mr. de la Pena seconded the motion. Motion carried 7:0.</p>
Disclosures	<ol style="list-style-type: none"> 1. Cecelia K. Hoffman (Candidate for County Council) 2. Luke A. Evslin (Candidate for County Council) 3. Kipukai L.P. Kualii (Candidate for County Council) 4. Melvin F. Rapozo (Candidate for Mayor) 5. Milo K.F. Spindt (Candidate for County Council) 6. Cameron N. Takamura (Deputy County Attorney) 7. Steven Kyono (Acting Manager & Chief Engineer, Department of 	Ms. Tudela moved to receive disclosures 1 through 7 and deem them complete. Ms. Tabura seconded the motion. Motion carried 7:0.

SUBJECT	DISCUSSION	ACTION
	Water)	
Announcements	Next meeting scheduled Friday, April 20, 2018 – 1:00 p.m., Mo‘ikeha Building, Liquor Conference Room 3	
Adjournment		Ms. Tabura moved to adjourn the meeting at 1:44 p.m. Ms. Shiraishi seconded the motion. Motion carried 7:0.

Submitted by: _____
Lani Agoot, Administrative Specialist

Reviewed and Approved by: _____
Michael Curtis, Chair

() Approved as circulated.

() Approved with amendments. See minutes of _____ meeting.